

Liber R. G. Council or other proper Officer thereof or other sufficient Proof
1773 making it appear that the Record of the Judgment or Decree ap-
pealed from had been lodged with or delivered unto the Clerk of
his Majestys Council or other proper Officers thereof in twelve
Months after such Appeal obtained to his Majesty in Council then
p. 246 and in such Case the Appeal Bond of the Appellant or Appellants
and of his her or their Sureties therein shall be liable to be put in
Suit for such Default upon the Application of the Appellee or
Appellees for that Purpose

[Proviso.] Provided always that if the Appellant or Appellants aforesaid
shall within the said twelve Months make appear or disclose such
Matters as may make it reasonable to grant him her or them a
further Time for lodging or delivering the Record aforesaid in
manner aforesaid then and in such Case the Court of Appeals of
this Province may on the Application of the Appellant or Appel-
lants grant to him her or them such further Time as to the said
Court shall seem to be reasonable upon the Circumstances of such
Case and when a further Time for the Purpose aforesaid upon
such Application as aforesaid shall be granted in such Case the Ap-
peal Bond aforesaid shall not in Virtue of this Act be liable to be
put in Suit until the said further Time shall have expired and the
Rule or Order of the said Court of Appeals of this Province grant-
ing such further Time shall not have been performed by the Ap-
pellant or Appellants—

Witnesses
residing out
of the Prov-
ince, Jus-
tices to di-
rect the
Clerk of the
Court to is-
sue a Com-
mission for
taking
Depositions,
&c.

And be it enacted By the Authority aforesaid that it shall and may
be lawful for the Justices of the Provincial Court or any County
Court upon Application made to them in Court by any Party or
Parties in or to any Action or civil Suits depending or that shall
be depending before them and upon Satisfaction being given to such
Court by Affidavit or otherwise that there are material and com-
petent Witnesses in such Cause residing or living out of this Prov-
ince to direct the Clerk of such Courts to issue a Commission for
taking the Depositions or Affidavits of such Witnesses and that such
Commission shall issue and the Commissioners shall be appointed
and qualified and such Interrogatories be proposed or exhibited and
such Commission be executed and returned and the Depositions or
Affidavits taken in Pursuance thereof shall be published in the same
Manner and form as in Case of a Commission issuing out of the
Courts of Chancery for the Examination of Witnesses residing and
living out of this Province and the Depositions or Affidavits which
shall be duly made and taken in Virtue of any Commission which
shall issue in Pursuance of this Act or Copies thereof duly attested
shall be admitted in evidence at the Trial of the Cause

This Act to continue for and during the Term of Seven Years